

1 DAVID J. BERGER, State Bar No. 147645
 THOMAS J. MARTIN, State Bar No. 150039
 2 CATHERINE E. MORENO, State Bar No. 264517
 WILSON SONSINI GOODRICH & ROSATI
 3 Professional Corporation
 650 Page Mill Road
 4 Palo Alto, CA 94304-1050
 Telephone: (650) 493-9300
 5 Facsimile: (650) 565-5100
 Email: tmartin@wsgr.com

6 PAUL CHAVEZ, State Bar No. 241576
 7 LAWYERS' COMMITTEE FOR CIVIL RIGHTS
 131 Steuart Street, Suite 400
 8 San Francisco, CA 94105
 Telephone: (415) 543-9444
 9 Facsimile: (415) 543-0296
 Email: pchavez@lccr.com

10 JULIA HARUMI MASS, State Bar No. 189649
 11 ALAN L. SCHLOSSER, State Bar No. 49957
 AMERICAN CIVIL LIBERTIES UNION FOUNDATION
 12 OF NORTHERN CALIFORNIA, INC.
 39 Drumm Street
 13 San Francisco, CA 94111
 Telephone: (415) 621-2493
 14 Facsimile: (415) 255-8437
 Email: jmass@aclunc.org

15 Attorneys for Plaintiffs
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18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN FRANCISCO DIVISION

21 UELIAN DE ABADIA-PEIXOTO, *et al.*,

22 Plaintiffs,

23 v.

24 UNITED STATES DEPARTMENT OF
 HOMELAND SECURITY, *et al.*,

25 Defendants.
 26
 27
 28

Case No.: 3:11-cv-4001 RS

CLASS ACTION

**JOINT STIPULATION AND
 [PROPOSED] ORDER REGARDING
 DISCOVERY DEADLINES AND
 DEFENDANTS' MOTION FOR
 RELIEF**

5845951

1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties, by and through their respective
2 undersigned counsel of record, hereby stipulate and agree, subject to this Court's approval, to
3 hold all discovery deadlines and the briefing and hearing for Defendants' Motion for Relief from
4 Nondispositive Pretrial Order of Magistrate Judge ("Motion") (Dkt. No. 169) in abeyance during
5 the current federal government shutdown ("Shutdown").

6 WHEREAS, on May 14, 2013, after considering the parties' joint stipulation and
7 proposed order, this Court entered an order extending the deadlines for fact discovery, expert
8 discovery, dispositive motions, further case management conference, pretrial motions, pretrial
9 conference and trial (Dkt. Nos. 144, 145);

10 WHEREAS, on June 28, 2013, the parties participated in a further in-person settlement
11 conference before Magistrate Judge Laurel Beeler (Dkt. No. 156) and further telephonic
12 settlement conferences with her on June 12, 2013, June 25, 2013, July 19, 2013, July 24, 2013,
13 August 7, 2013, and September 24, 2013;

14 WHEREAS, on September 6, 2013, Defendants filed their Motion (for relief from an
15 order to produce certain discovery), requesting a hearing on October 10, 2013, Plaintiffs'
16 response by September 20, 2013, and Defendants' reply by September 27, 2013 (Dkt. No. 169);

17 WHEREAS, on September 19, 2013, the parties agreed that the hearing on Defendants'
18 Motion should be continued to November 7, 2013 (or the Court's next available date thereafter),
19 with briefing on the Motion to be adjusted accordingly, and submitted a stipulation to this effect
20 (Dkt. No. 174);

21 WHEREAS, on September 30, 2013, Magistrate Judge Beeler ordered that: (1)
22 Defendants provide her and Plaintiffs with an updated settlement proposal on October 15, 2013;
23 and (2) the parties participate in a further telephonic settlement conference on October 15, 2013,
24 with such dates to be adjusted if the government shuts down (Dkt. Nos. 178, 179);

25 WHEREAS, on October 1, 2013, the Shutdown began, preventing Defendants and their
26 counsel from participating in discovery, motion practice, or settlement of this matter;

27 WHEREAS, on October 4, 2013, this Court granted the parties' joint stipulation and
28 ordered that the hearing on Defendants' Motion would be continued to November 7, 2013, any

1 response would be due October 18, 2013 and any reply due October 25, 2013 (Dkt. Nos. 169,
2 180);

3 WHEREAS, in light of the ongoing Shutdown, the parties are unable to determine how to
4 adjust the current deadlines relating to discovery and the Motion or when Defendants' counsel
5 will be able to reengage in this litigation;

6 WHEREAS, the parties have agreed to hold discovery deadlines and the briefing and
7 hearing for Defendants' Motion in abeyance until the Shutdown ends;

8 WHEREAS, Defendants have agreed to provide Plaintiffs and Magistrate Judge Beeler
9 with an updated settlement proposal after the Shutdown ends on a date to be determined as
10 October 15, 2013, plus the total number days of the Shutdown;

11 WHEREAS, since the requested time modification would affect the schedule for this
12 case, the parties have agreed to meet and confer once the Shutdown ends and after Defendants
13 have provided Plaintiffs and Magistrate Judge Beeler with an updated settlement proposal to
14 agree upon a modified schedule for the Motion and for discovery;

15 IT IS HEREBY STIPULATED AND AGREED, subject to approval of the Court, that all
16 discovery deadlines and the briefing and hearing for the Motion are held in abeyance until the
17 government Shutdown ends and Defendants provide Plaintiffs and Magistrate Judge Beeler with
18 an updated settlement proposal, at which time the parties will meet and confer to agree upon a
19 modified schedule for discovery and the Motion.

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1 Dated: October 14, 2013

Respectfully submitted,

2 By: /s/ Angie Young Kim
Angie Young Kim

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4 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
David J. Berger
5 Thomas J. Martin
6 Catherine E. Moreno

7 LAWYERS' COMMITTEE FOR CIVIL
RIGHTS
8 Paul Chavez

9 AMERICAN CIVIL LIBERTIES UNION
10 FOUNDATION OF NORTHERN
CALIFORNIA, INC.
Julia Harumi Mass
11 Alan L. Schlosser

12 *Attorneys for Plaintiffs*

13 Dated: October 14, 2013

By: /s/ Erez Reuveni
Erez Reuveni

14 Trial Attorney
15 U.S. Department of Justice
16 P.O. Box 868, Ben Franklin Station
Washington, DC 20044
17 Telephone: (202) 305-0899
Facsimile (202) 616-8962
18 Email: erez.r.reuveni@usdoj.gov

19 STUART F. DELERY
Acting Assistant Attorney General
20 Civil Division

21 DAVID J. KLINE
Director
22 Office of Immigration Litigation
District Court Section

23 *Attorneys for Defendants*

SIGNATURE ATTESTATION

I, Savith Iyengar, attest that I obtained the concurrence of Erez Reuveni and Angie Young Kim in filing this document. I declare under penalty of the laws of the United States that the foregoing is true and correct.


Executed this 14th day of October, 2013 in San Francisco, California.

/s/ Savith Iyengar

Savith Iyengar

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/15/13



Honorable Richard Seeborg
United States District Judge